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10/735,819

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EXAMINER

CHIO, TAT CHI

ART UNIT

PAPER NUMBER

2621

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,819

Applicant(s)

JUNG ET AL.

Examiner

Tat Chi Chio

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/30/2004, 4/12/2006, and 6/29/2006.

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-7 and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8-11, 13-16, and 18-21 of copending Application No. 10/735850. Although the conflicting claims are not identical, they are not patentably distinct from each other because the medium of the instant application can be created by the method of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is

connectedly and successively reproduced; and information on the access points provided in a separate area from that of the interleaved motion picture data.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the method of recording information on and reproducing information from claim 1 of the instant application. The claims depending on claim 1 of the instant application are also affected.

Consider claim 4, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units; and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an angle to a corresponding next interleaved unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data.

Claim 4 of the instant application is conflicting with claim 3 of the copending application, which directs to the method of recording information on and reproducing information from claim 4 of the instant application. The claims depending on claim 4 of the instant application is also affected.

Consider claim 6, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other; and information on jumping-points of the clip AV streams

provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 6 of the instant application is conflicting with claim 4 of the copending application, which directs to the method of recording information on and reproducing information from claim 6 of the instant application. The claims depending on claim 6 of the instant application are also affected.

Consider claim 13, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other; and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 13 of the instant application is conflicting with claim 4 of the copending application, which directs to the method of recording information on and reproducing information from claim 13 of the instant application. The claims depending on claim 13 of the instant application are also affected.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

2. Claims 1-7 and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, and 8-11 of copending Application No.10/735823. Although the conflicting claims are not identical, they are not patentably distinct from each other because the medium of the instant application can be created by the apparatus of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is connectedly and successively reproduced; and information on the access points provided in a separate area from that of the interleaved motion picture data.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the apparatus that operates claim 1 of the instant application. The claims depending on claim 1 of the instant application are also affected.

Consider claim 4, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units; and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an angle to a corresponding next interleaved

unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data.

Claim 4 of the instant application is conflicting with claim 3 of the copending application, which directs to the apparatus that operates claim 4 of the instant application. The claims depending on claim 4 of the instant application is also affected.

Consider claim 6, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other; and information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 6 of the instant application is conflicting with claim 4 of the copending application, which directs to the apparatus that operates claim 6 of the instant application. The claims depending on claim 6 of the instant application are also affected.

Consider claim 13, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other; and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 13 of the instant application is conflicting with claim 6 of the copending application, which directs to the apparatus that operates claim 13 of the instant application. The claims depending on claim 13 of the instant application are also affected.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 1-7 and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, and 8-11 of copending Application No. 11/432479. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broader and they encompass the scope of the claims of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is connectedly and successively reproduced; and information on the access points provided in a separate area from that of the interleaved motion picture data.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the an information storage medium of claim 1 of the instant application. The claims depending on claim 1 of the instant application are also affected.

Consider claim 4, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units; and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an angle to a corresponding next interleaved unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data.

Claim 4 of the instant application is conflicting with claim 1 of the copending application, which directs to an information storage medium of claim 4 of the instant application. The claims depending on claim 4 of the instant application is also affected.

Consider claim 6, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other; and information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 6 of the instant application is conflicting with claim 1 of the copending application, which directs to an information storage medium of claim 6 of the instant application. The claims depending on claim 6 of the instant application are also affected.

Consider claim 13, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other; and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 13 of the instant application is conflicting with claim 1 of the copending application, which directs to an information storage medium of claim 13 of the instant application. The claims depending on claim 13 of the instant application are also affected.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawabe et al. (6,031,962).

Consider claim 1, Sawabe et al. teach an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is connectedly and successively reproduced (Fig. 7); and information on the access points provided in a separate area from that of the interleaved motion picture data (Fig. 6).

Consider claim 2, Sawabe et al. teach the medium, wherein the access points correspond to boundaries of interleaved units of the interleaved motion picture data (Fig. 7).

Consider claim 3, Sawabe et al. teach the medium, further comprising characteristic information corresponding to the motion picture data for different angles, the characteristic information comprising the information on the access points (Fig. 6).

Consider claim 4, Sawabe et al. teach an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units (Fig. 6); and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an

angle to a corresponding next interleaved unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data (Fig. 7).

Consider claim 5, Sawabe et al. teach the medium, further comprising characteristic information corresponding to the motion picture data for different angles, the characteristic information comprising the information on the access points (Fig. 6).

Consider claim 6, Sawabe et al. teach an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other (Fig. 6); and information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle (Fig. 6 and Fig. 7).

Consider claim 7, Sawabe et al. teach the medium, wherein the jumping-points correspond to boundaries defining units of the interleaved clip AV streams (Fig. 6).

Consider claim 10, Sawabe et al. teach the medium, further comprising playlist information which comprises at least one playitem that corresponds to the clip AV streams (Fig. 10).

Consider claim 13, Sawabe et al. teach an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other (Fig. 6); and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream,

wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle (Fig. 6 and Fig. 7).

Consider claim 14, Sawabe et al. teach the medium, further comprising clip information corresponding to the clip AV stream, which comprises the information on the jumping-points (Fig. 6).

Consider claim 15, Sawabe et al. teach the medium, wherein the information on the jumping-points comprises location information corresponding to a start location to each jumping-point, for the clip AV stream (Fig. 6 and Fig. 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawabe et al. (6,031,962) in view of Furuta et al. (6,049,654).

Consider claim 11, Sawabe et al. teach all the limitations in claim 6 but fail to explicitly teach the medium, further comprising playlist information which comprises at least one playitem having angle block information, wherein the angle block information comprises information on whether the playitem is for the motion picture data for different angles.

Furuta et al. teach the medium, further comprising playlist information which comprises at least one playitem having angle block information, wherein the angle block information comprises information on whether the playitem is for the motion picture data for different angles (col. 7, lines 34-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate information on whether the playitem is for the motion picture data for different angles so that the reproducing device is able to detect whether the multi-angle playback is possible.

Consider claim 12, Furuta et al. teach the medium, wherein the angle block information further comprises information on the number of different angles for the motion picture (Fig. 2-Fig. 4).

Conclusion

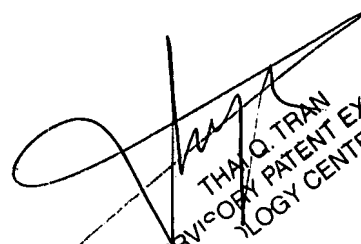
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tat Chi Chio whose telephone number is (571) 272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TCC



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